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SUBJECT: DUBAI MEETING ON AFGHANISTAN JUSTICE COORDINATION

REFTEL: STATE 00182847

¶1. (SBU) SUMMARY: The December 4-6 Justice Sector Coordination meeting in Dubai re-invigorated justice reform efforts in Afghanistan. The meeting resulted in a new initiative to organize international efforts over the next few months and to develop a consolidated framework for justice reform at the national and provincial levels. In this new approach the Embassy Rule of Law team has begun to lead from behind, pushing the rest of the International Community (IC) to think about how their programs fit into the bigger picture. The meetings concluded with Italy announcing it would host a high-level justice conference in Rome this spring, the date and agenda still to be decided. The IC has agreed to use the interim period between Dubai and Rome to work out mechanisms to better coordinate resources and to develop an overall framework for justice reform in conjunction with the GoA.

¶2. (U) The major issue, which the Dubai conference intended to address, is described in greater detail in paragraph 3. The key solutions arrived at are discussed in paragraphs 4-7. Additional details and background information are discussed in paragraphs 8-  
¶23. END SUMMARY.

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The Problem  
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¶3. (U) The Dubai Conference was organized to address the lack of progress to date in justice sector reform and especially given the inability of the Government of Afghanistan (GoA) to develop its own framework for reform. Reform is critical to improving the security

situation and improving rule of law, but a lack of strategic vision is hampering efforts. Present efforts for coordination have been limited to monthly meetings of Afghan National Development Strategy (ANDS) working groups and those of the recently created International Group Justice Coordination. The only existing overarching strategy for justice reform was the 12-page Justice for All paper, which lacked an appropriate action plan to direct reform of national institutions or reforms at the provincial level.

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The Solution  
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¶4. (U) The USG convened a Dubai justice coordination meeting to bring together major justice sector actors to highlight the need for a common plan and to take some concrete first steps towards its development. The meeting was moderated by the Embassy's Deputy Coordinator for Rule of Law with support from the senior Italian representative, Minister Plenipotentiary Anna Della Croce, Special Envoy for Afghanistan. Representatives from Kabul included the US, Italy, Canada, the Netherlands, UK, EU, EC, ISAF, and CFC-A as well as capital representation from the US, EU, EC, Germany, Canada and Italy. All sides found the conference to be a valuable opportunity to share information discuss solutions for justice sector development.

¶5. (U) Sessions addressed existing programs then

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quickly moved on to linking reforms with the Afghan National Development Strategy (ANDS), incorporating existing plans for reform, identifying gaps in present strategies, recognizing donor priorities and limitations, improving national and provincial coordination, and agreeing on the next steps leading up to the Rome Conference.

¶6. (U) During the conference, the United States, Italy, UN, and donors discussed how to best develop an overall framework for justice reform, built upon existing GoA reform plans and expand them to create a comprehensive national inter-ministerial approach to justice sector reform. The proposed framework would also include a template for provincial justice sector reform. Existing groups, such as the ICGJR and ANDS working groups, will be used to approve or respond to proposals, such as the Supreme Court's Five-Year Reform Plan.

¶7. (U) The long-term goal is to create a collaborative and holistic approach to justice reform efforts, addressing inclusively training coordination, salary reform mechanisms, administrative reforms, infrastructure development, and better coordination of provincial programs.

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Existing Programs  
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¶8. (U) Italy and the US were identified to have the most widespread efforts, although many of the countries present were paying into the UN Justice for All project. Germany's programs are currently focused through the Max Plank Institute and are aimed at improving legal textbooks and improving the curricula for judicial training. The Netherlands, Canada, and UK have smaller programs in the provinces where they have PRTs and suggested that they were restricted to these areas and to limited national programs. The British were particularly focused on the Attorney General's

office, narcotics related programs, and Helmand Province. They informed the Dubai group that they have several justice advisors assigned to the Lashkar Gah PRT. The Canadians are supporting a Train-the-Trainer program for Afghan instructors of the judicial stage and focusing their provincial assistance in Kandahar. They are also considering providing legislative drafting assistance to the MOJ. The EC relayed that while their existing programs are only done through the UN Justice for All project, they are hoping to expand efforts in the near future.

¶9. (SBU) Italian and US programs are both spread across the provinces, but differ in their duration. Most Italian programs involved concentrated bursts of training, in contrast to the US training model of long term instruction and mentoring, such as developing curricula for Kabul University Law School and the scholarships for law professors to receive a U.S. Master of Laws (LLM). The US and Italy also discovered that we were both planning masters programs for justice professionals and agreed to meet to discuss best practices offline.

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National Program Coordination  
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¶10. (U) In an effort to bring about better national level cooperation and coordination, the US delegation proposed a series of agreements to lead the way forward. A brief list of the conclusions follows:

¶11. (U) Donors will provide a consolidated response to the Supreme Court Five-Year plan that will include areas that need additional focus, areas covered by existing programs, and preliminary commitments for funding pending a revised plan. The group agreed that the Ministry of Justice and Attorney General's office would also be encouraged to complete their plans and that the same process would be used to respond to their plans. Donors also agreed to prioritize assistance to the different institutions, with the help of the Afghans, to help identify immediate, medium, and long term needs.

¶12. Other ways the IC agreed to coordinate reform efforts were: donor embedded advisors will coordinate amongst themselves, including dividing responsibilities within ministries; completion of an inventory of donor assistance; donors will work through and support the ANDS process, donors will coordinate all curricula among the IC in order to standardize training.

¶13. (U) Donors generally agreed on the need to create a Justice Sector Trust Fund, including salary supplement packages across the three justice institutions (Supreme Court, Attorney General's Office, and Ministry of Justice), coupled with administrative and pay and grade reform. The EC Expressed the greatest interest in this project and has already begun planning with the first personnel expected to arrive in February. Some of the other donors, including the Italians, also expressed interest in funding a salary trust fund. There was some debate over whether trust funds should support all institutions or just the Supreme Court, as it is not covered by the Pay and Rank Reform process. The Italians, in particular, wanted to focus only on Supreme Court salaries. After returning to Kabul, the EC met with USAID and the Embassy Rule of Law Office to discuss the best way to work together.

¶14. (U) Specific to the Supreme Court, the Italians asked participants for support on blocking a separate Supreme Court training center, arguing that this role was already being filled by the National Legal Training Center (NLTC), which the US, Italy and Afghan institutions signed onto in 2004. Although many agreed that more information was needed, the group settled on trying to stall the Supreme Court's decision until Italy was able to conduct a survey of the NLTC to assess the number of classes and students the center is able to support. The US delegation felt that it was likely more space will be needed but this survey will be an important precursor to any discussions on a separate Supreme Court training center.

¶15. (U) The EU representatives stressed the need for a baseline assessment of formal and informal justice systems. Some information exists, but there is no comprehensive survey that covers both systems from the government perspective as well as the people's perspective. This project was not funded. CFC-A, in conjunction with ISAF, are now trying to complete the

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survey on their own but may need additional help in identifying what information needs to be collected.

¶16. (U) On legal aid, participants agreed that the MOJ needed to be encouraged to include the program in its strategy plans. While it is mentioned in the draft MOJ plan, it lacks any definition.

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Provincial Program Coordination  
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¶17. (U) There was a long discussion regarding provincial coordination with the US participants pushing for focused and comprehensive efforts in a few provinces, contrasted with the EU and UNAMA who were pushing for identification of provincial needs to be met on an ad hoc basis. They feared that identifying priority provinces would unevenly distribute aid, create resentment, and leave critical needs unmet. They also noted that countries like Canada and the UK would be unable to participate in supporting priority provinces unless they overlapped with their PRTs. No consensus was reached in Dubai, and the group agreed to work out a better plan in Kabul.

¶18. (U) EMBASSY COMMENT: A possible compromise is to develop a hybrid of the two ideas taking into account the US, Italy, and any other donors with flexible funding and those who are less flexible. Those with more flexibility could focus their efforts in provinces with existing programs such as Herat, Balkh, and Nangarhar, while in other provinces the IC could work with the GoA to develop lists of critical projects that could build a foundation for more comprehensive programs later on. The use of the term "priority province" and "adopt a province" would also be avoided due to negative connotations from previous donor programs. END COMMENT.

¶19. (U) The US offered to start improving provincial coordination through sharing the curriculum for its upcoming Justice Sector Support Program Police-Prosecutor training. The US also invited participants to attend a training session.

¶20. (U) One point of agreement was the need for a centralized and standardized model for provincial reform. ISAF in particular highlighted the need to have a plan that countries could turn to if they wanted to begin efforts on their own. Along with this model, the group also talked about the need for better

communication mechanisms between the provinces and the central government. It was proposed that we embed Rule of Law advisors in each target province and link them through advisors in the central institutions. This would supplement communication through Afghan channels and eventually be made obsolete by functioning Afghan systems. It was also proposed that an office be established in Kabul to ensure unity of approach and standardization of provincial justice assistance. It would also serve as a liaison between the provincial teams, central institutions, IC, and ANDS structure. The office would also serve as a resource for provincial teams by providing curricula and other information, as well as updates to the ANDS on provincial progress. Currently, there is no body in Kabul that coordinates provincial justice, and a coordination mechanism will be needed as donors expand

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to the provinces.

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The Way Forward - A Rome Justice Conference  
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¶21. (U) Participants agreed to work through the International Justice Coordination Group in Kabul to do the majority of the follow-up from this meeting. The group was asked to keep the discussions moving forward in anticipation of a Rome Justice Conference.

¶22. (U) The Italian delegation closed the Dubai conference with an announcement that Rome will host a justice conference in early 2007, which was approved by the delegates. Italy will officially inform the GoA on its plans for the conference in the near future.

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Post-Dubai Efforts  
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¶23. (U) Post is now working to create a plan of action for the critical period between the Dubai conference and a date-to-be-determined Rome conference. Post has also begun to meet with individual players back in Kabul and continues to share information on its programs. Post believes that, after the success of the Dubai Conference, there is a new and valuable opportunity for a coordinated approach to the development of Rule of Law in Afghanistan.

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